

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION

No. 1:19-md-2875-RBK
Hon. Robert Kugler

Plaintiffs' Motion for Class Certification

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION OF
CONSUMER, THIRD PARTY PAYOR, AND MEDICAL MONITORING CLAIMS**

COME NOW, the Consumer¹ Economic Loss ("EL") Plaintiffs, the Third Party Payor² Economic Loss ("TPP Econ Loss") Plaintiffs, and the Medical Monitoring³ ("MM") Plaintiffs, who file this Motion for Class Certification pursuant to Fed. R. Civ. P. 23(a), (b)(3), and (g).

Plaintiffs respectfully request that the Court certify the Classes set forth in Exhibit A (Consumer Economic Loss), Exhibit B (Third Party Payor Economic Loss) and Exhibit C (Medical Monitoring), pursuant to Fed. R. Civ. P. 23(a) and (b)(3).

¹ The Consumer Economic Loss Plaintiffs are Plaintiffs Asha Lamy, Sandra Kelly, Evelyn Rice, Jay Meader, Mark Hays, Charlie Johnston, Marilyn Andre, Peter O'Brien, Ron Molinaro, Estate of Elenora Deutenberg, Lubertha Powell, Lawrence Edwards, Marlin Anderson, Georgia Fatigato, Leland Gildner, Brian Wineinger, Raleigh Wolfe, Joseph Kessinger, Glenda Cooper, Sandy Bell, Talsie Neal, Linda Crocker, Veronica Longwell, Jennifer Johnson, Flora McGilvery, Marzanna Glab, Antoinette Sims, James Lawson, James Childs, Radhakrishna Shetty, Billy Joe Bruner, Alphonse Borkowski, Joseph Cacaccio, John Duffy, Gerald Nelson, Gary Burnett, Miranda Dudley, Dennis Kaplan, Lawrence Semmel, Eric Erwin, Jynona Gail Lee, Brittney Means, Samuel Cisneros, Cheryl Mullins, Robin Roberts, and Mary McLean.

² The TPP Plaintiffs are: MSP Recovery Claims, Series, LLC and Maine Automobile Dealers Association, Inc. Insurance Trust.

³ The Medical Monitoring Plaintiffs are John Judson, Sarah Zehr, Robert Kruk, Michael Rives, Robert Fields, Celestine Daring, Josephine Bell, Valerie Rodich-Annese, Roger Tasker, Kenneth Berkson, Richard O'Neill, Jo Ann Hamel, Paulette Silberman, and Sylvia Cotton.

Plaintiffs further request the Court appoint the following Class Counsel pursuant to Fed. R. Civ. P. 23(g):

Consumer Economic Loss: Ruben Honik, Conlee S. Whiteley and John R. Davis

Third Party Payor Economic Loss: Gregory Hansel and Jorge Mestre

Medical Monitoring: Rachel Geman and Nicholas Migliaccio

For the reasons explained in the Plaintiffs' respective memoranda and declarations in support of this motion, filed contemporaneously herewith, certification of the above-described Classes is appropriate because, for each: "(1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims . . . of the representative parties are typical of the claims . . . of the class; and (4) the representative parties will fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a).

Moreover, the proposed Class Counsel, who have handled all aspects of this matter since its inception, have demonstrated the background, experience, resources, and commitment to handle this matter through its conclusion. Fed. R. Civ. P. 23(g).

WHEREFORE, and for the reasons set forth in the contemporaneously filed briefs and supporting declarations, Plaintiffs respectfully request that the Court certify the above-referenced Classes.

Dated: November 10, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2021, I caused a true and correct copy of the foregoing to be filed and served upon all counsel of record by operation of the Court's CM/ECF system.

/s/ David J. Stanoch

David J. Stanoch